

ORDINANCE NO. 2003 -065

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED COMMERCIAL CATEGORIES III (2003-0036 LGA - 2003-0057 LGA) MODIFYING PAGES 1, 9, 56, 65, 78, 80, 81, 82, 83, 86, 87, 98 AND 134 TO ASSIGN A LAND USE CATEGORY OF COMMERCIAL LOW (CL), COMMERCIAL HIGH (CH), OR COMMERCIAL HIGH-OFFICE (CH-0) TO APPROXIMATELY 74 COMMERCIALY DESIGNATED PARCELS COLLECTIVELY TOTALING APPROXIMATELY 133.87 ACRES; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 13 & 27 and July 11, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 21, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 8, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 3, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance; and

4 WHEREAS, on November 24, 2003 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the Future Land Use Atlas of the Land Use
15 Element of the 1989 Comprehensive Plan

16 The following amendments to the Land Use Element's Future Land
17 Use Atlas are hereby adopted and attached to this Ordinance:

18 A. Future Land Use Atlas pages 1, 9, 56, 65, 78, 80, 81, 82,
19 83, 86, 87, 98 & 134 are amended to assign a land use category of
20 Commercial Low (CL) Commercial High (CH), or Commercial High-
21 Office (CH-O) to approximately 74 commercially designated parcels
22 collectively totaling approximately 133.87 acres as depicted in
23 the attached Exhibits.

24 Part II. Repeal of Laws in Conflict

25 All local laws and ordinances applying to the unincorporated area
26 of Palm Beach County in conflict with any provision of this ordinance
27 are hereby repealed to the extent of such conflict.

28 Part III. Severability

29 If any section, paragraph, sentence, clause, phrase, or word of
30 this Ordinance is for any reason held by the Court to be
31 unconstitutional, inoperative or void, such holding shall not affect
32 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 APPROVED AND ADOPTED by the Board of County Commissioners of
26 Palm Beach County, on the 24 day of November, 2003.

27 ATTEST:

28 DOROTHY H. WILKINSON, Clerk

28 PALM BEACH COUNTY, FLORIDA,
29 BY ITS BOARD OF COUNTY COMMISSIONERS

30 By: Linda E. Hickman

31 Deputy Clerk

32 Karen T. Marcus, Chair

33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

34 Paul P. [Signature]
35 COUNTY ATTORNEY

36 Filed with the Department of State on the 3 day
37 of December, 2003.

EXHIBIT 1

A. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0036 LGA

FLUA Page No: 1

Amendment: C/5 to CH/5

Location: Extending south from County Line Road between Mona Rd. and the F.E.C. RR

Size: Approximately 2.58 acres (subject properties combined)

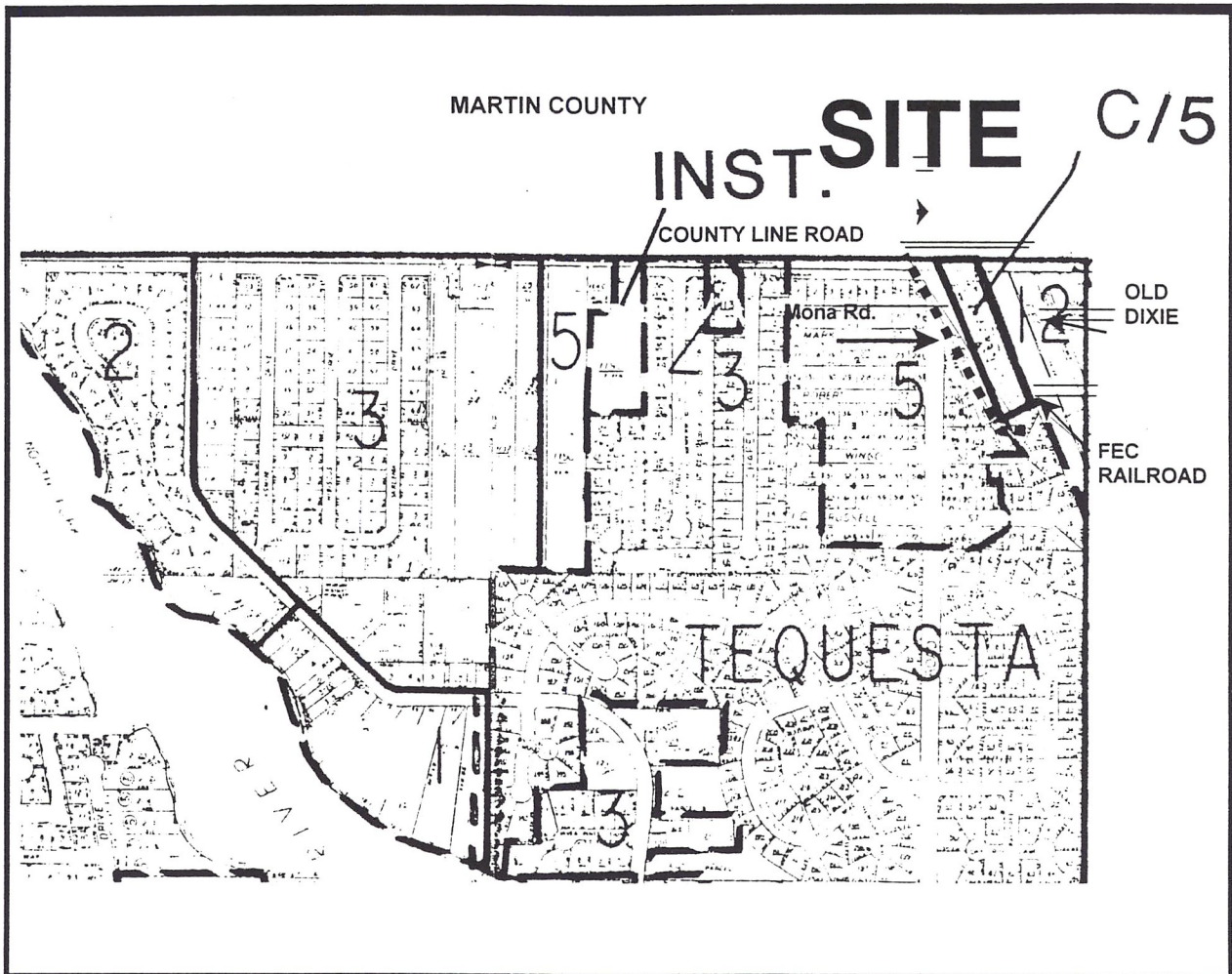
Zoning: CG

Arterial Road? No

Use: Built Commercial and Office Uses

Category Analysis: A commercial designation change from C to CH is recommended. The CG zoning for the subject properties and their present commercial uses built under this zoning existed prior to the Comprehensive Plan's adoption in 1989. These factors are consistent with the proposed CH designation for the properties.

Property No.: See attached



B. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0037 LGA

FLUA Page No: 9

Amendment: C/5 to CH/5

Location: East of US Highway 1 on the south side of A1A

Size: Approximately 2.53 acres (subject properties combined)

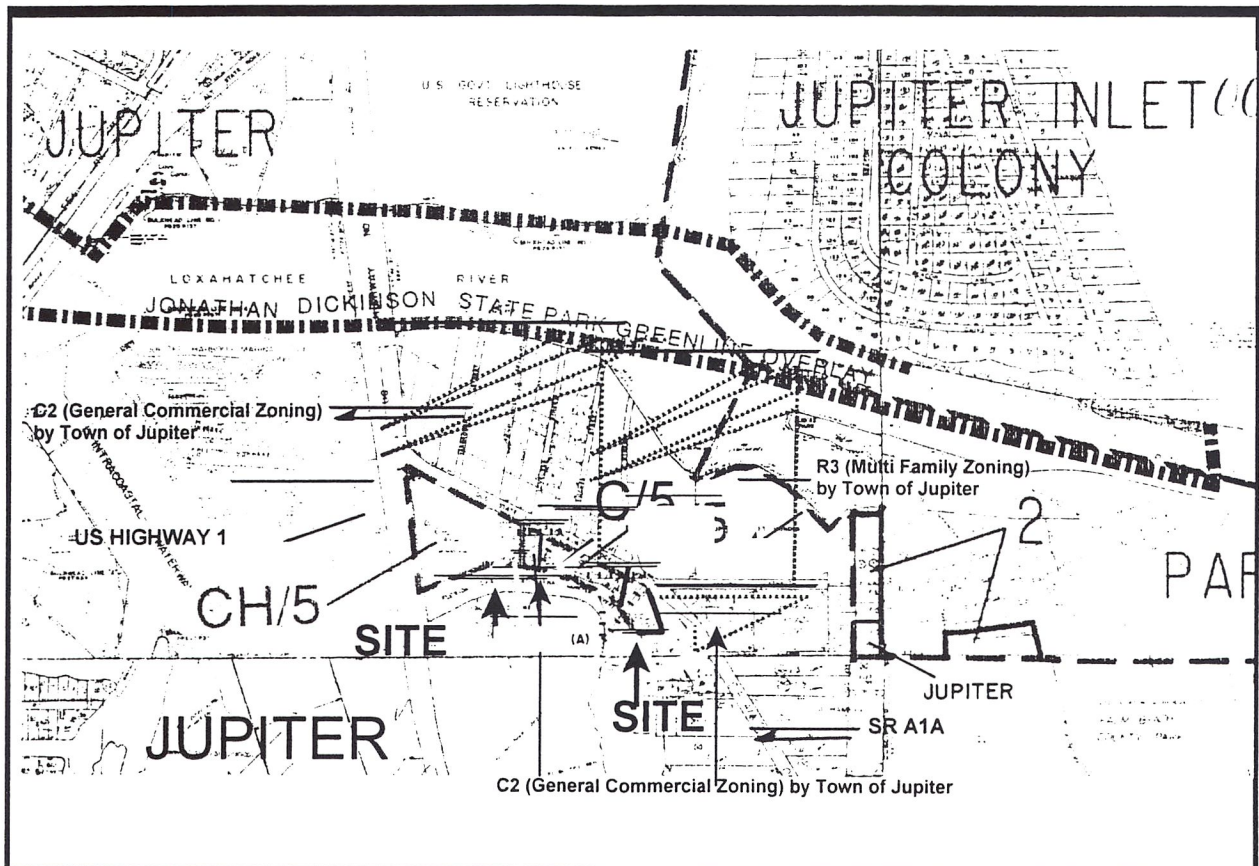
Zoning: CG, CS, CN

Arterial Road? Yes

Use: Existing commercial uses

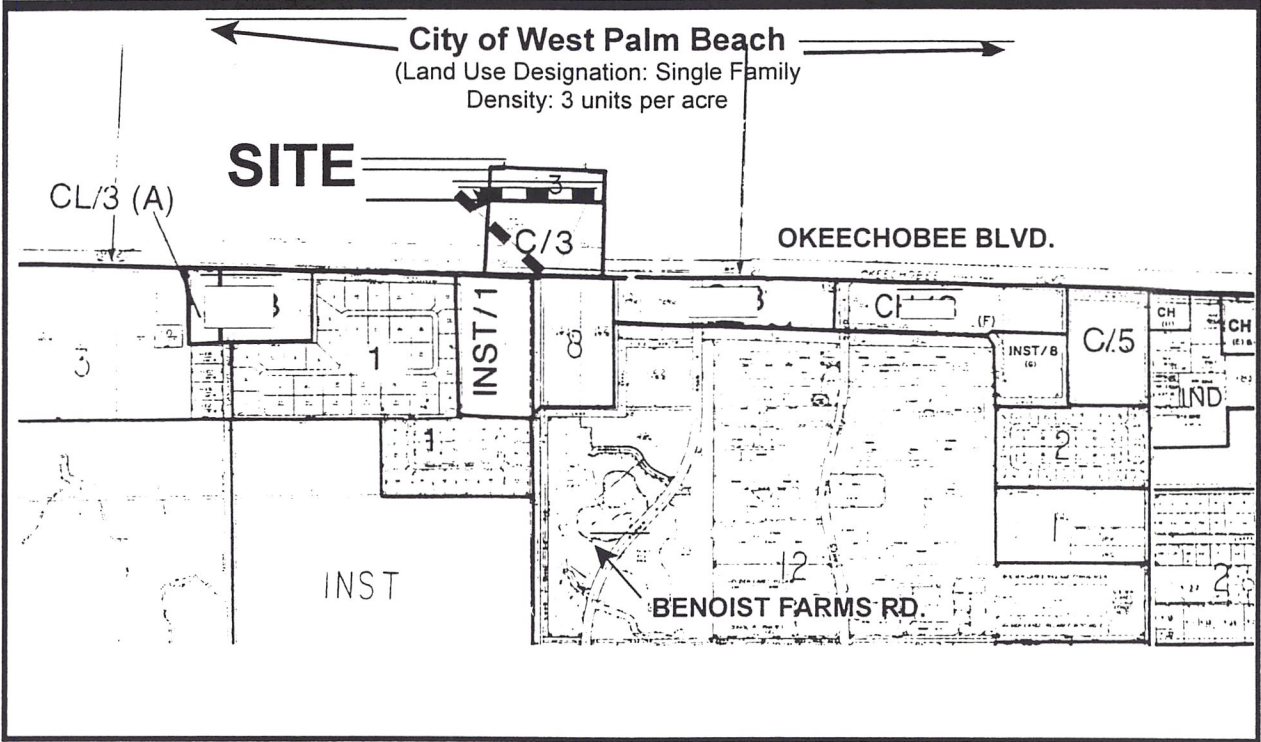
Category Analysis: A commercial designation change from C to CH is recommended. The subject properties were commercially developed under their commercial zoning categories prior to the Comprehensive Plan's adoption in 1989. These categories are consistent with the proposed CH designation. The properties are also adjacent to an arterial roadway and/or a property already designated CH. These factors, plus the General Commercial and Multi-Family zoning by Jupiter for the properties so indicated on the location map in the vicinity or adjacent to the subject properties, are consistent with the proposed CH designation for the subject properties.

Property No.: See attached



C. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0038 LGA	FLUA Page No:	56
Amendment:	C/3 to CL/3		
Location:	North side of Okeechobee Blvd., west of Benoist Farms Rd.		
Size:	Approximately 9.18 acres		
Zoning:	CG, CN	Arterial Road?	Yes
Use:	Vacant		
Category Analysis:	A commercial designation change from C to CL is recommended. The subject property is adjacent to: 1) Residential development to the east and west whose maximum density allowance is three (3) units per acre under the West Palm Beach Comprehensive Plan and Land Use Map; and 2) Unincorporated land to the north with a land use designation of 3 units per acre. This is similar to the subject property's own underlying alternative designation of 3 units per acre. This type of density allowance is compatible with the proposed CL designation for the subject property.		
Property No.:	See attached		



D. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0039 LGA

FLUA Page No: 65

Amendment: C to CH-O

Location: Northeast corner of Summit Blvd & Davis Rd

Size: Approximately 4.59 acres

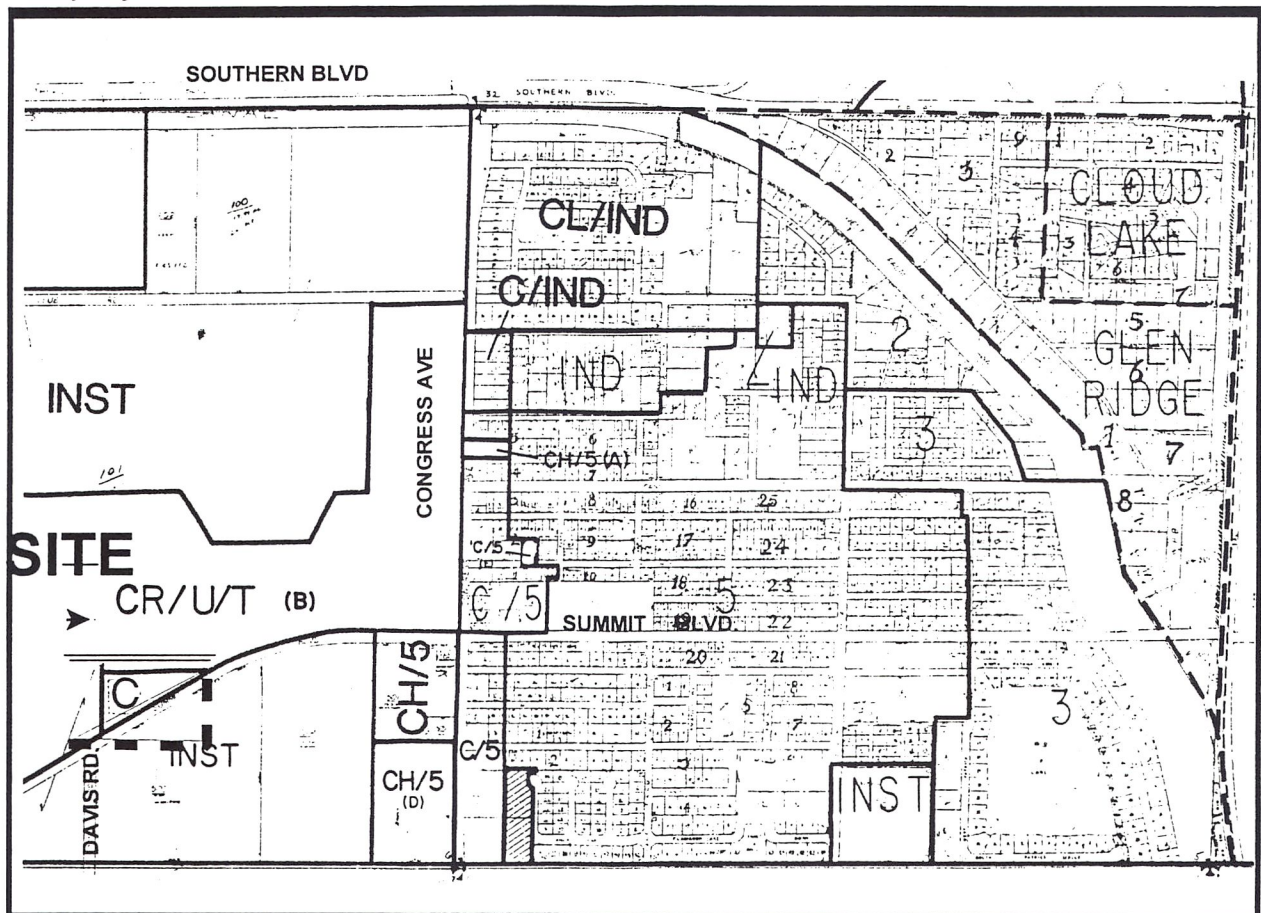
Zoning: PO

Arterial Road? Yes

Use: Palm Beach County Credit Union

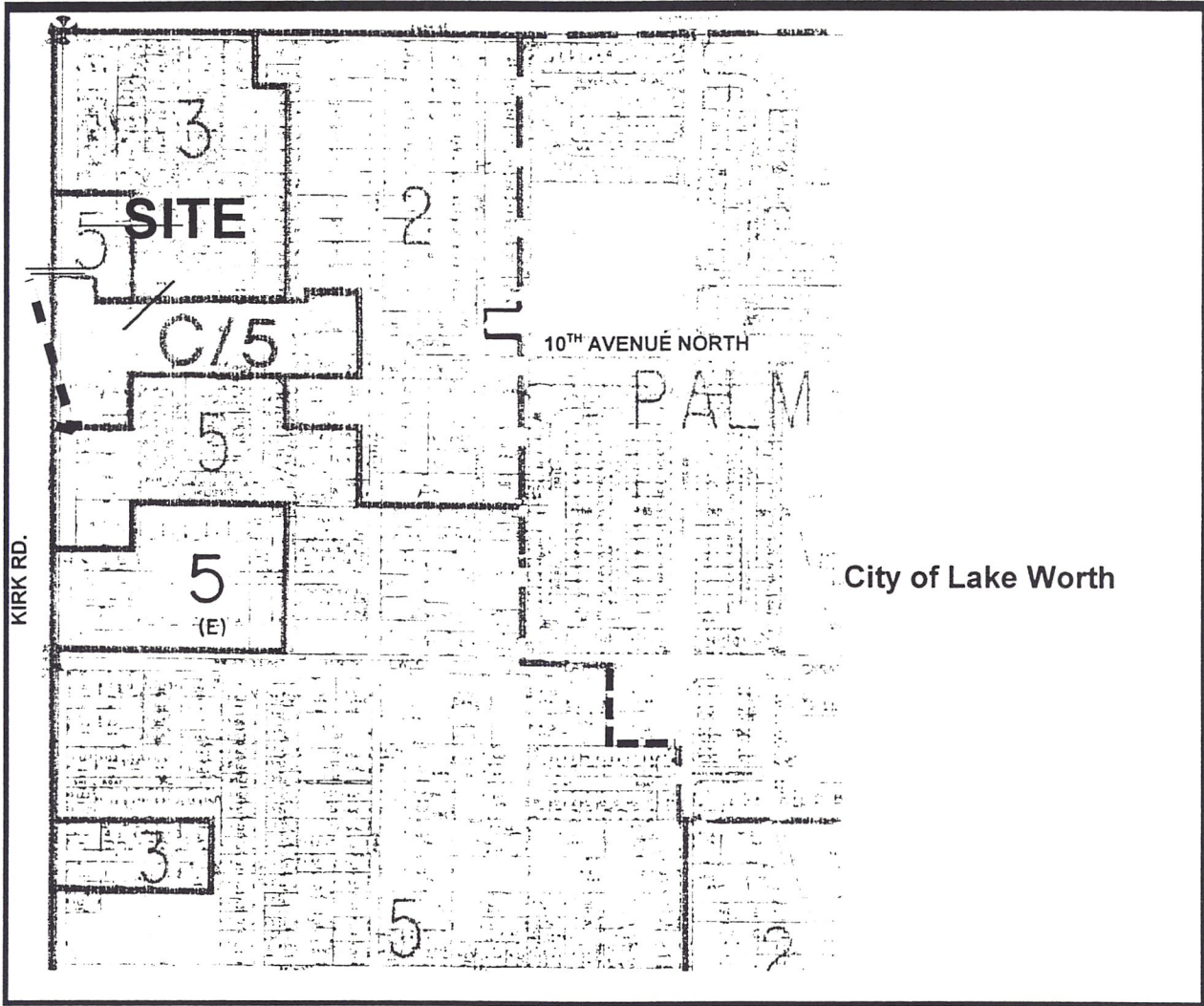
Category Analysis:	A commercial designation change from C to CH-O is recommended. The subject property is surrounded by properties designated Institutional (INST) and Commercial Recreation (CR) on the FLUA and is adjacent to an arterial roadway. These factors are consistent with the proposed CH-O land use designation for the property.
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Property No.: See attached



E. Future Land Use Atlas, Commercial Categories

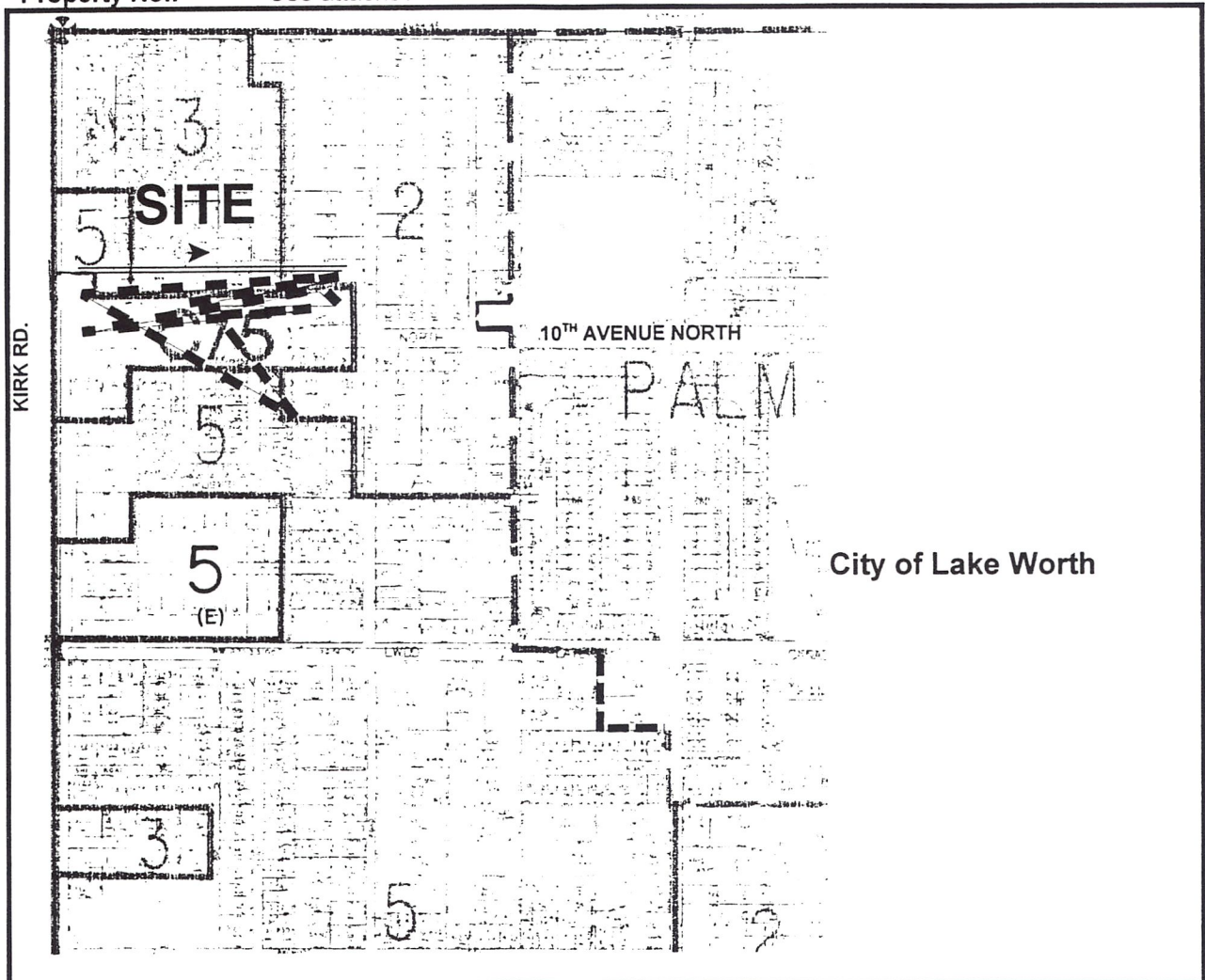
Amendment No.:	2003-0040 LGA	FLUA Page No:	78
Amendment:	C/5 to CH/5		
Location:	NE and SE corners of 10 th Ave. North and Kirk Road		
Size:	Approximately 1.81 acres (subject properties combined)		
Zoning:	CG	Arterial Road?	Yes
Use:	Gas Station/Convenience Store, Strip Commercial Plaza		
Category Analysis:	A commercial designation change from C to CH is recommended. The subject properties are zoned CG and were commercially developed as such prior to the Comprehensive Plan's adoption in 1989. They are also located in one of the county's Revitalization and Redevelopment Overlays. These factors are consistent with the proposed CH designation for the subject properties.		
Property No.:	See attached		



F. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0041 LGA **FLUA Page No:** 78
Amendment: C/5 to CH/5
Location: North & south sides of 10th Ave. North, east of Kirk Road
Size: Approximately 5.62 acres (subject properties combined)
Zoning: CG, CN, RS **Arterial Road?** Yes
Use: Retail Commercial, Residential, Vacant
Category Analysis: A commercial designation change from C to CH is recommended. The subject properties are: 1) Mostly commercially developed and approved as such prior to the Comprehensive Plan's adoption in 1989 under either the CN or CG zoning categories; 2) Along an arterial roadway; and 3) Small lots with developmental constraints located in one of the county's Revitalization and Redevelopment Overlays. These factors are consistent with the proposed CH designation.

Property No.: See attached



G. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0042 LGA

FLUA Page No: 78

Amendment: C/8 to CL/8

Location: One-half mile north of 10th Avenue North on the east side of Boutwell Road

Size: Approximately 10.45 acres (subject properties combined)

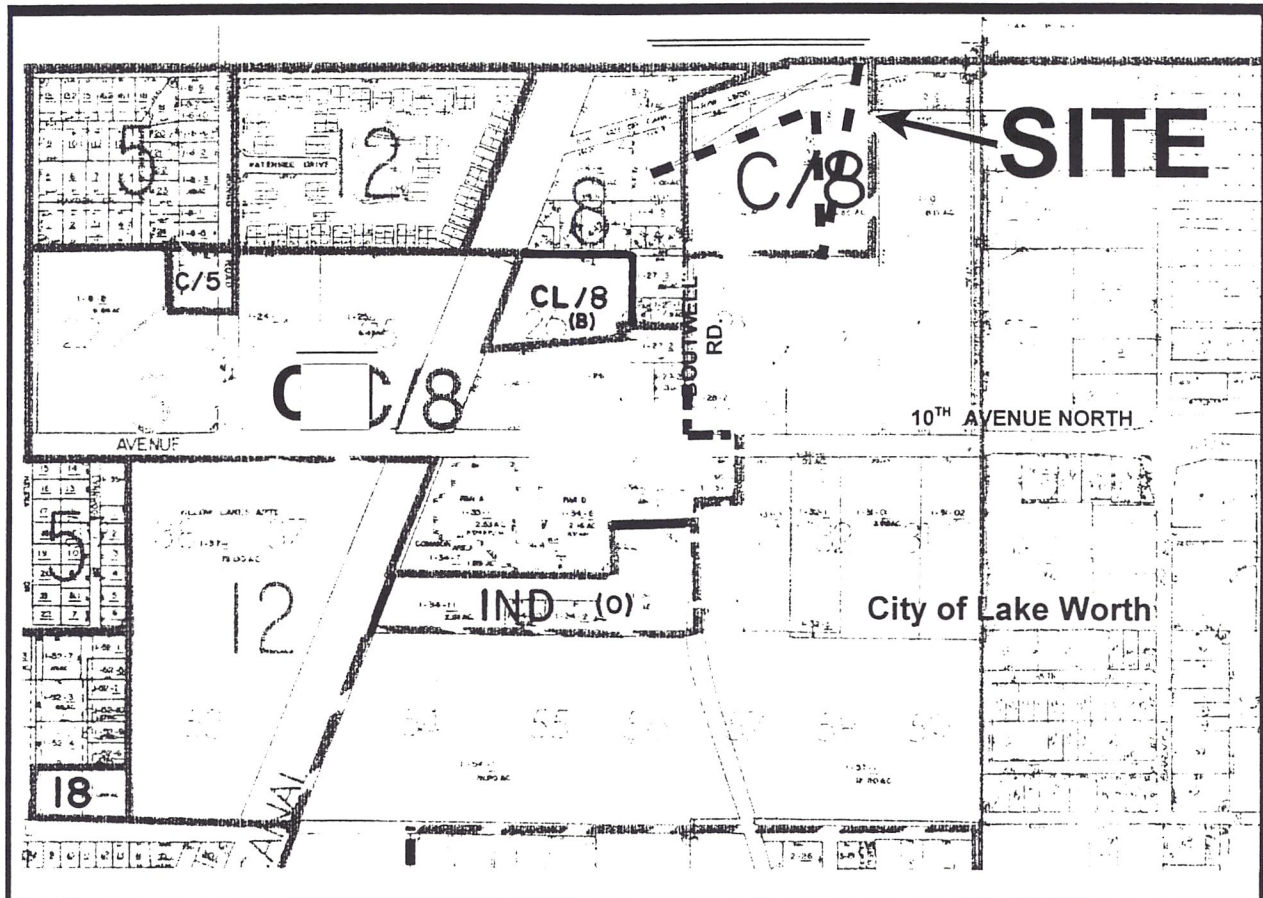
Zoning: RS, CG, IL

Arterial Road? No

Uses: Single Family House, Nursery

Category Analysis: A commercial designation change from C to CL is recommended. The subject properties are not commercially developed or adjacent to an arterial roadway. Any commercial development of the properties may be done under a commercial zoning district consistent with the CL designation.

Property No.: See attached

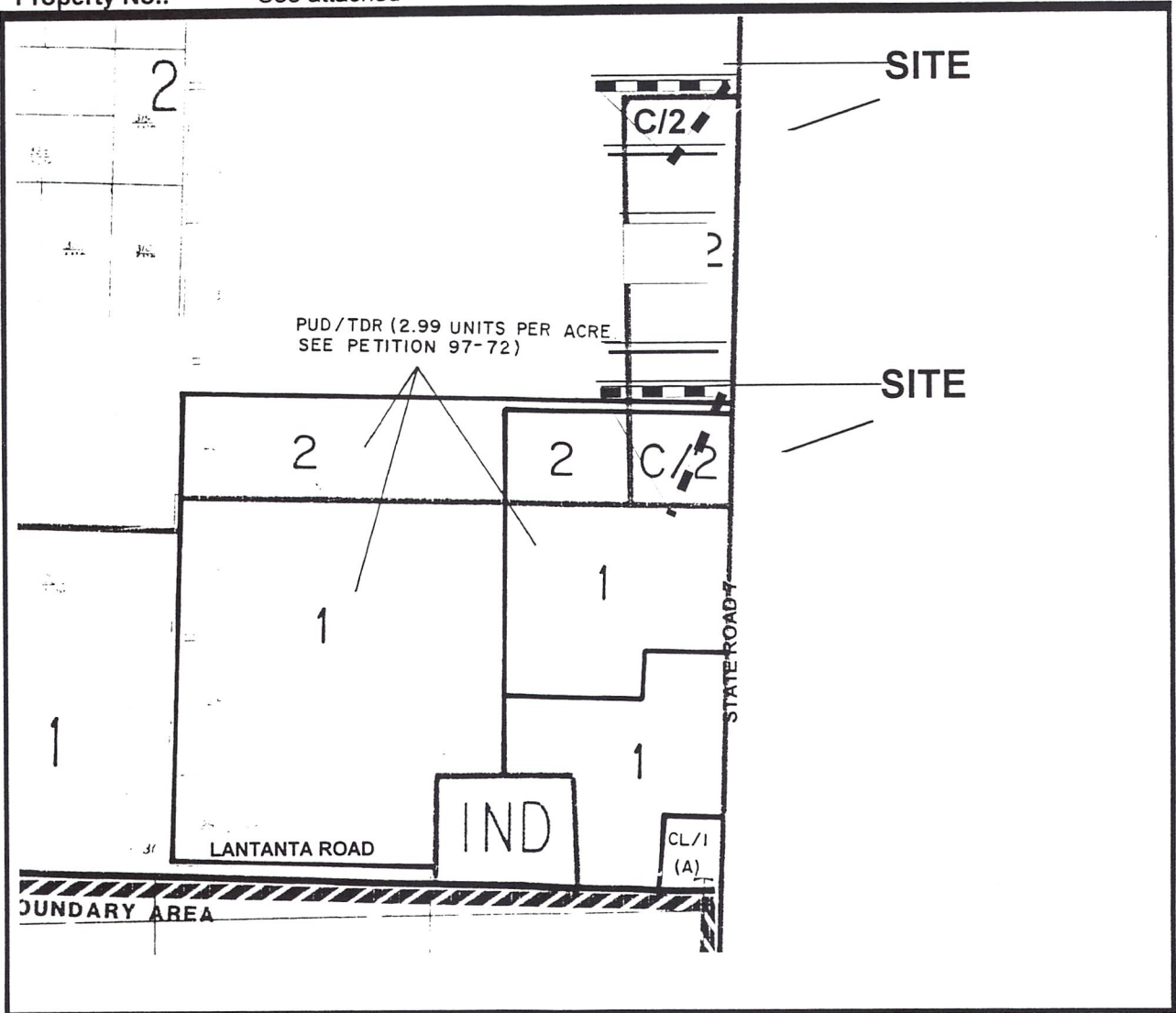


H. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0043 LGA
Amendment: C/2 to CL/2
Location: West side of SR7, north of Lantana Rd
Size: Approximately 7.12 acres (subject properties combined)
Zoning: CG
Use: Vacant
Category Analysis: A commercial designation change from C to CL is recommended. The subject properties are adjacent to residential development whose maximum density allowance is two (2) units per acre. The proposed CL designation for the subject property is compatible with this density.
Property No.: See attached

FLUA Page No: 80

Arterial Road? Yes



I. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0044 LGA

FLUA Page No: 81

Amendment: C/2 to CL/2

Location: Northeast corner of Lantana Rd & SR7

Size: Approximately 12.40 acres

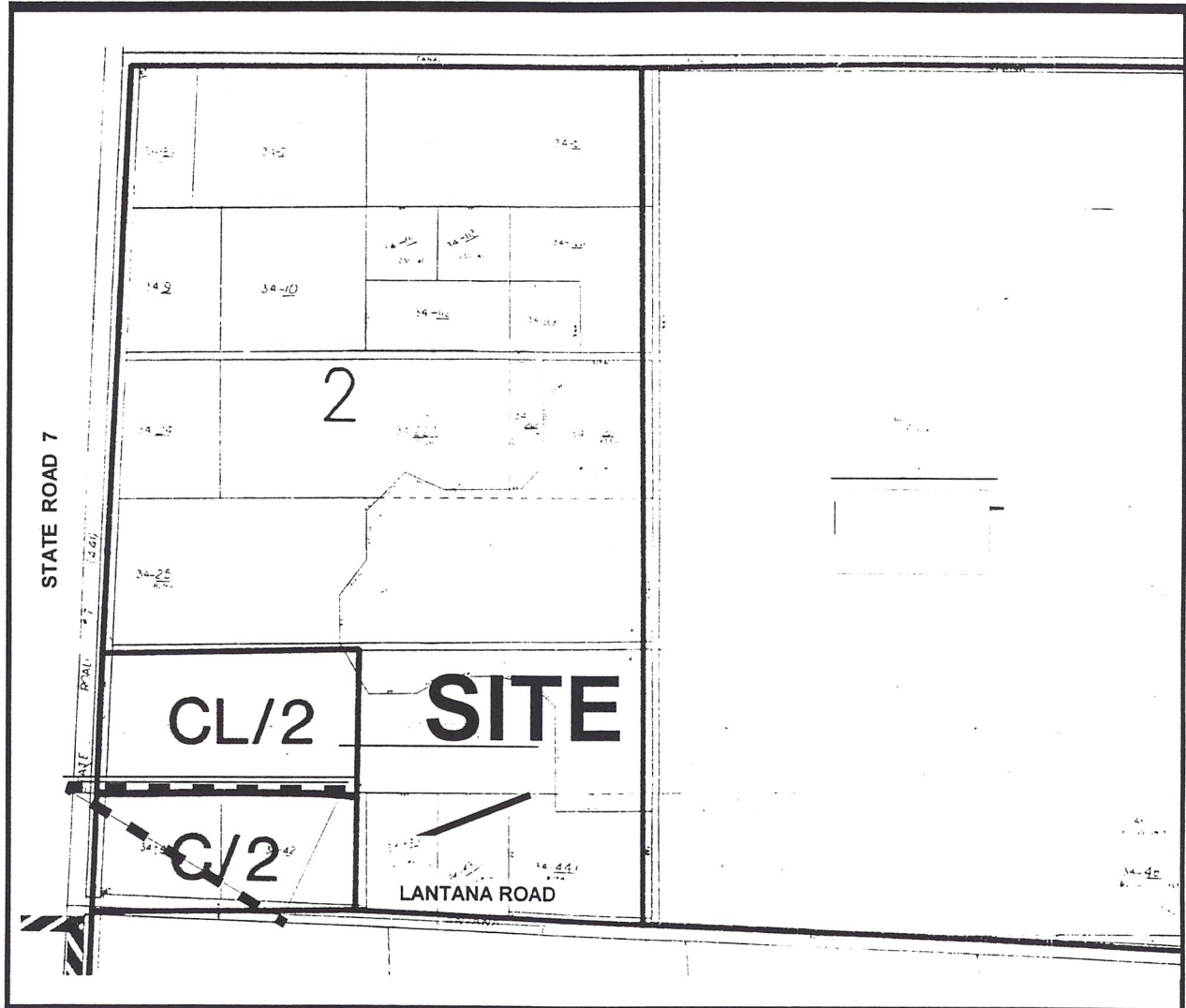
Zoning: CC

Arterial Road? Yes

Use: Vacant

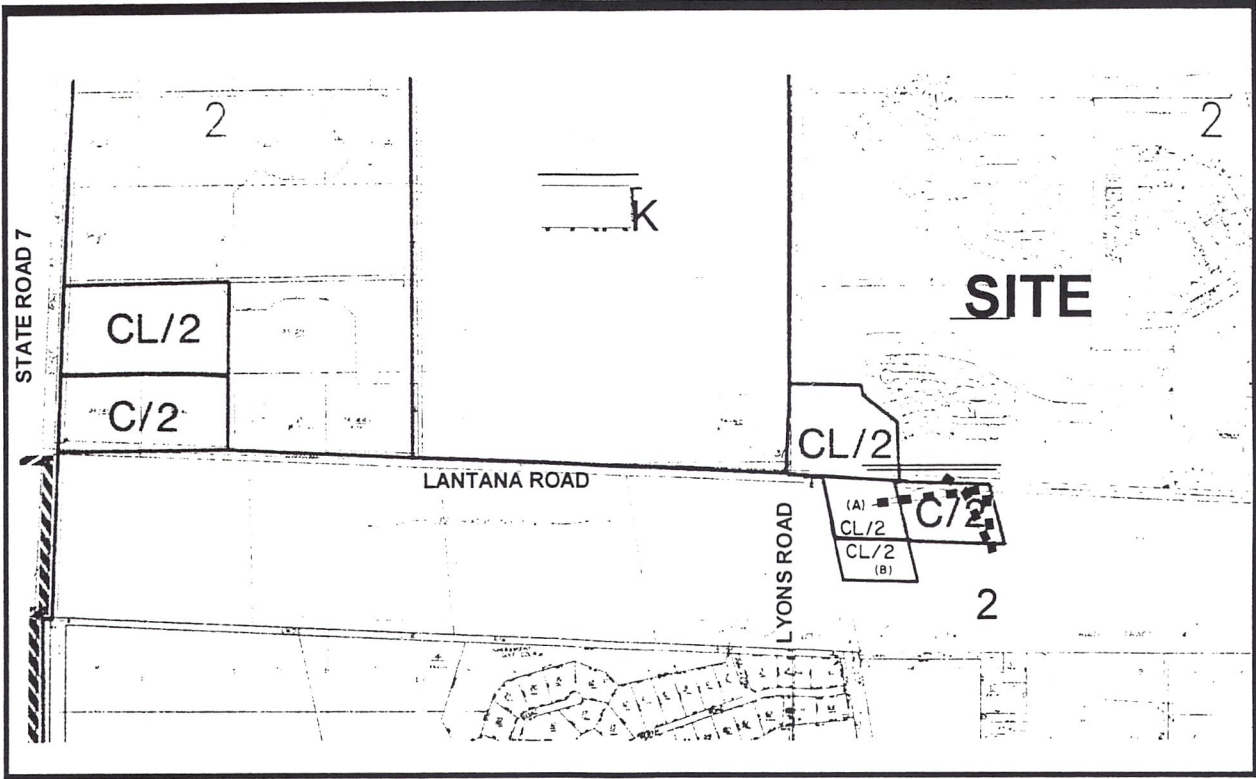
Category Analysis: A commercial designation change from C to CL is recommended. The subject property is adjacent to land that: (1) Has a maximum density allowance of two (2) units per acre; or (2) Is already approved with a CL designation. The proposed CL designation for the subject property is compatible with this density and consistent with the existing CL designation to the north.

Property No.: See attached



J. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0045 LGA	FLUA Page No:	81
Amendment:	C/2 to CL/2		
Location:	South side of Lantana Rd., E of Lyons Rd		
Size:	Approximately 7.23 acres (subject properties combined)		
Zoning:	CG	Arterial Road?	No
Use:	Gas Station/Convenience Store, Warehouse		
Category Analysis:	A commercial designation change from C to CL is recommended. The two subject properties are adjacent to or in the immediate vicinity of land that: (1) Has a maximum density allowance of two (2) units per acre; or (2) Is already approved with a CL designation. The proposed CL designation for the subject properties is compatible with this density and consistent with the existing CL designations to the west.		
Property No.:	See attached		



K. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0046 LGA

FLUA Page No: 82

Amendment: C/5 to CH/5

Location: West side of Military Trail, N of Hypoluxo Rd.

Size: Approximately 13.09 acres (combined)

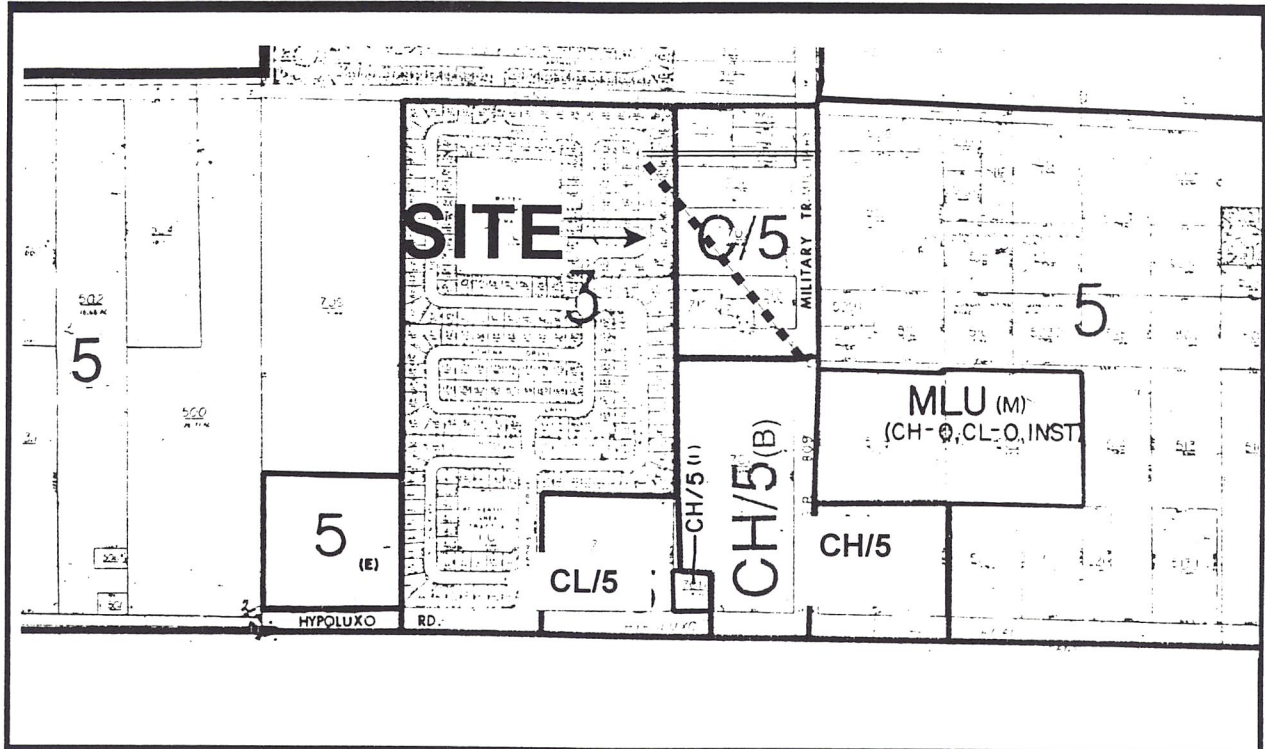
Zoning: CG

Arterial Road? Yes

Use: Built Commercial; Bowling Alley, Gas Station & Mini Golf

Category Analysis: A commercial designation change from C to CH is recommended. The CG zoning for the subject properties existed prior to the Comprehensive Plan's adoption in 1989 and most of the properties are commercially developed. The properties are also adjacent to an arterial roadway and/or a property already designated CH. These factors are consistent with the proposed CH designation for the properties.

Property No.: See attached

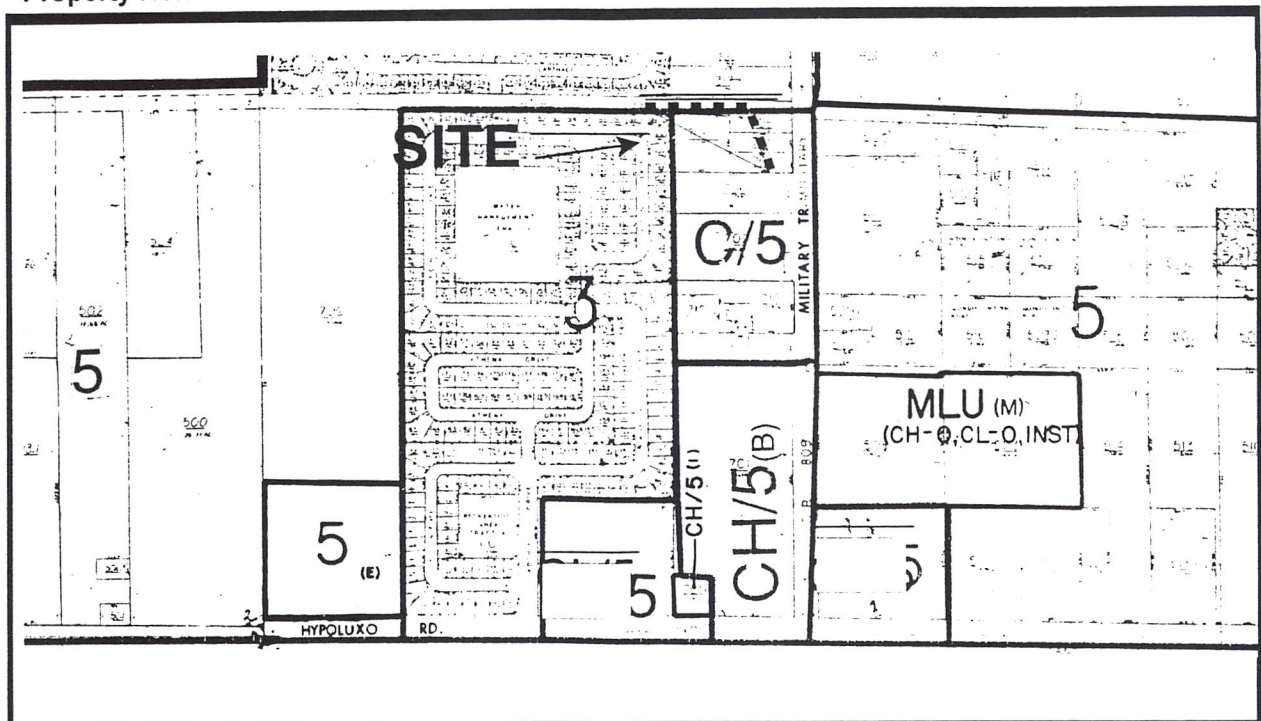


L. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0047 LGA **FLUA Page No:** 82
Amendment: C/5 to CL/5
Location: West side of Military Trail, N of Hypoluxo Rd.
Size: Approximately 4.13 acres (combined)
Zoning: AR **Arterial Road?** Yes
Use: Office, Restaurant, Mobile Home Park, Vacant

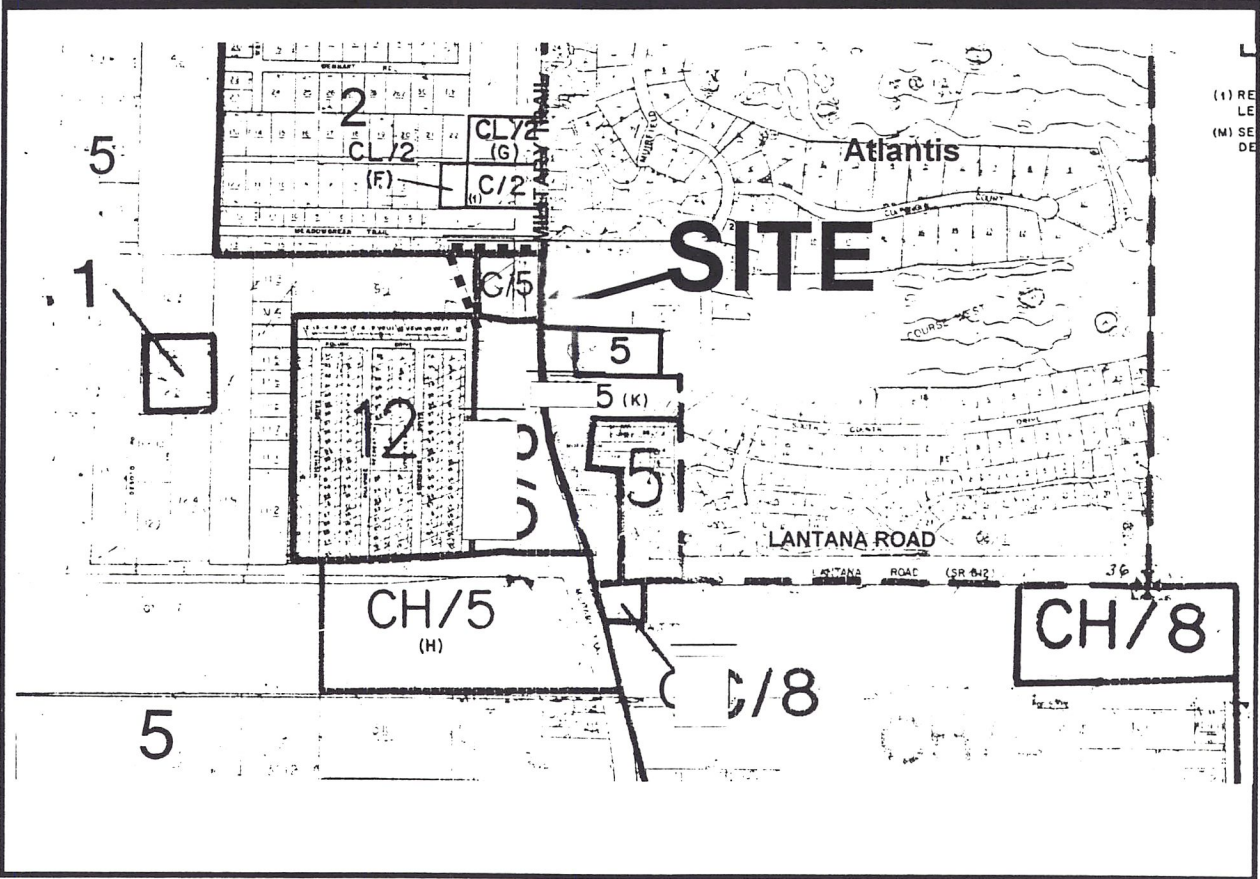
Category Analysis: A commercial designation change from C to CL is recommended. The subject properties are zoned Agricultural Residential (AR). Any commercial development or redevelopment of the properties may be done under a commercial zoning district consistent with the CL designation.

Property No.: See attached



M. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0048 LGA	FLUA Page No:	82
Amendment:	C/5 to CL/5		
Location:	West side of Military Trail, N of Lantana Rd.		
Size:	Approximately 0.86 acre		
Zoning:	AR	Arterial Road?	Yes
Use:	Single family house		
Category Analysis:	A commercial designation change from C to CL is recommended. The subject property is zoned Agricultural Residential (AR). Any commercial development of the property may be done under a commercial zoning district consistent with the CL designation.		
Property No.:	See attached		



N. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0049 LGA

FLUA Page No: 82

Amendment: C/2 to CL/2

Location: West side of Military Trail, north of Lantana Road

Size: Approximately 0.92 acre

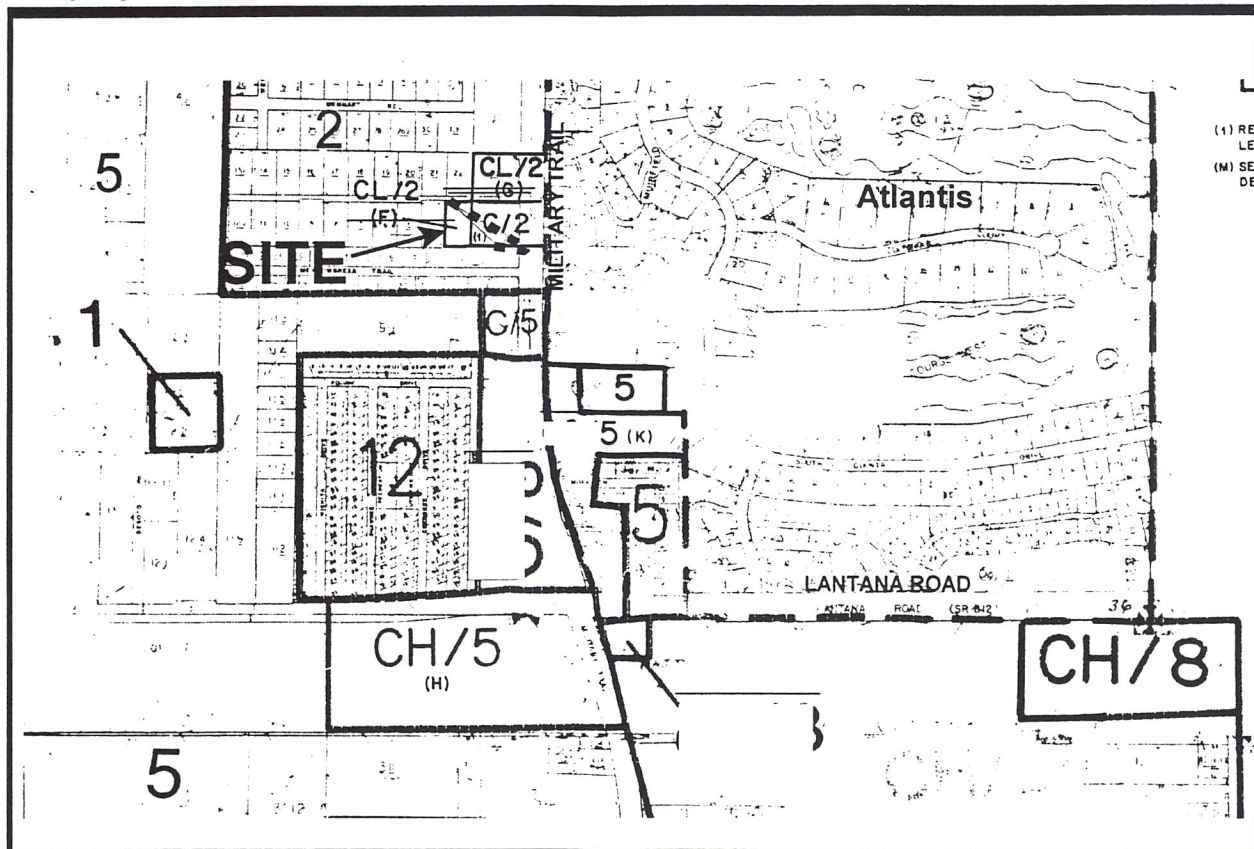
Zoning: CG

Arterial Road? Yes

Use: Restaurant

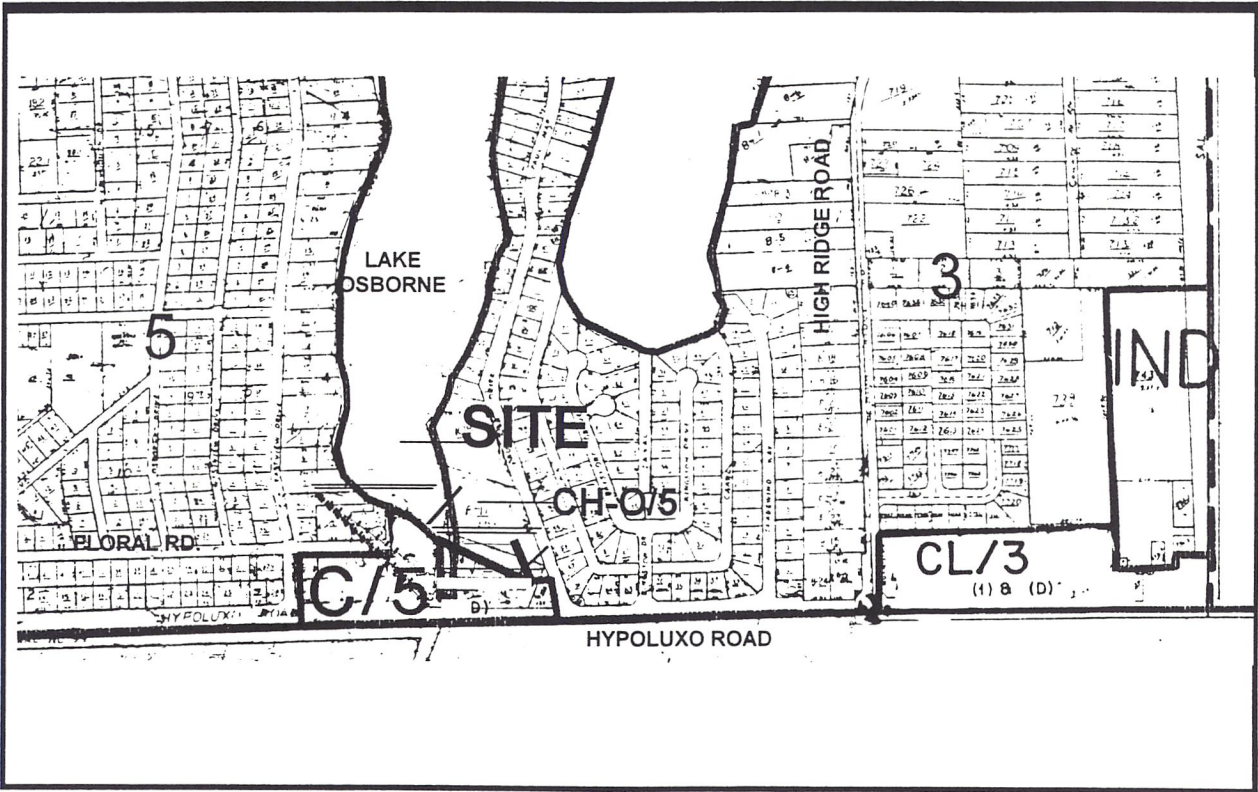
Category Analysis:	A commercial designation change from C to CL is recommended. The subject property is adjacent to a residential subdivision whose maximum density allowance is two (2) units per acre. The proposed CL designation for the subject property is compatible with this density. It is also consistent with the CL designation for two properties to the west and north, respectively, of the subject property.
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Property No.: See attached



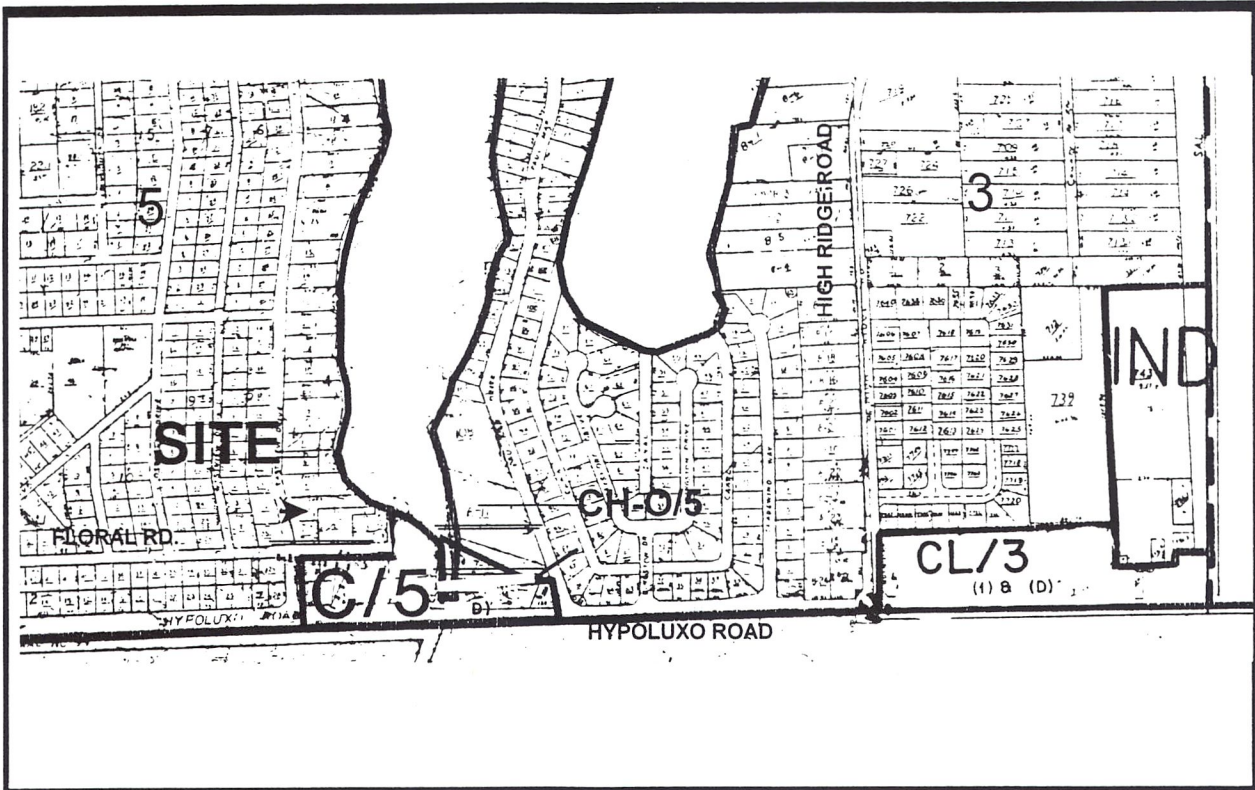
O. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0050 LGA	FLUA Page No:	83
Amendment:	C/5 to CH/5		
Location:	On the north side of Hypoluxo Road, approximately one-half mile west of High Ridge Road.		
Size:	Approximately 1.90 acres		
Zoning:	CG	Arterial Road?	No
Use:	Restaurant, Office		
Category Analysis:	A commercial designation change from C to CH is recommended. The property's commercial uses were developed under its CG zoning prior to the Comprehensive Plan's adoption in 1989. The uses and zoning district are consistent with the proposed CH designation.		
Property No.:	See attached		



P. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0051 LGA	FLUA Page No:	83
Amendment:	C/5 to CL/5		
Location:	Between Hypoluxo Rd and Floral Road, Approximately one-half mile west of High Ridge Road.		
Size:	Approximately 1.80 acres		
Zoning:	CG	Arterial Road?	No
Use:	Vacant Lots, Boarded Up Building		
Category Analysis:	A commercial designation change from C to CL is recommended. The properties are not commercially developed. Any commercial development of the properties may be done under the proposed CL designation.		
Property No.:	See attached		



Q. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0052 LGA

FLUA Page No: 83

Amendment: C/3 to CL/3

Location: South side of Lantana Rd, between High Ridge Rd & I-95

Size: Approximately 5.51 acres

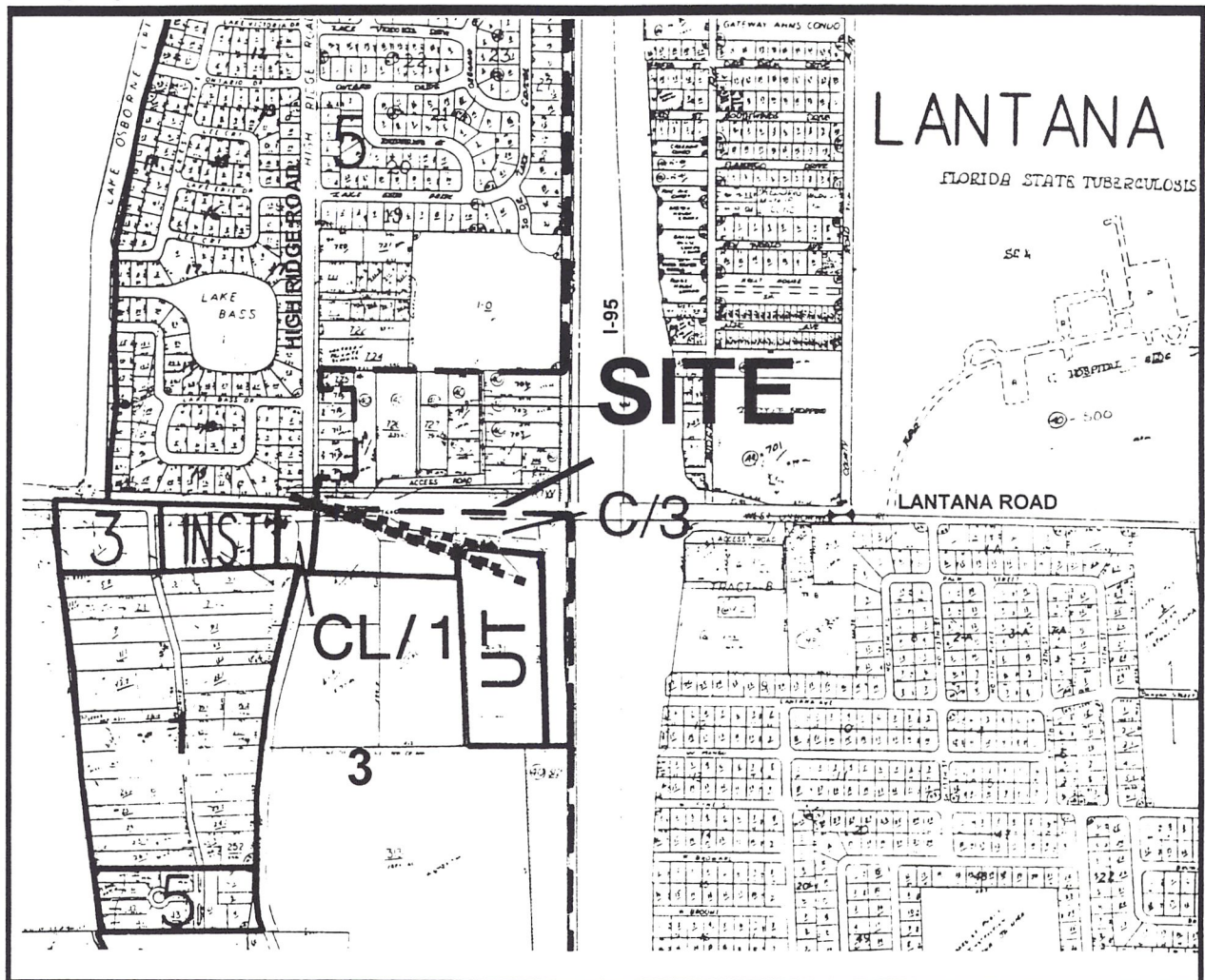
Zoning: CG, RS

Arterial Road? Yes

Use: Vacant

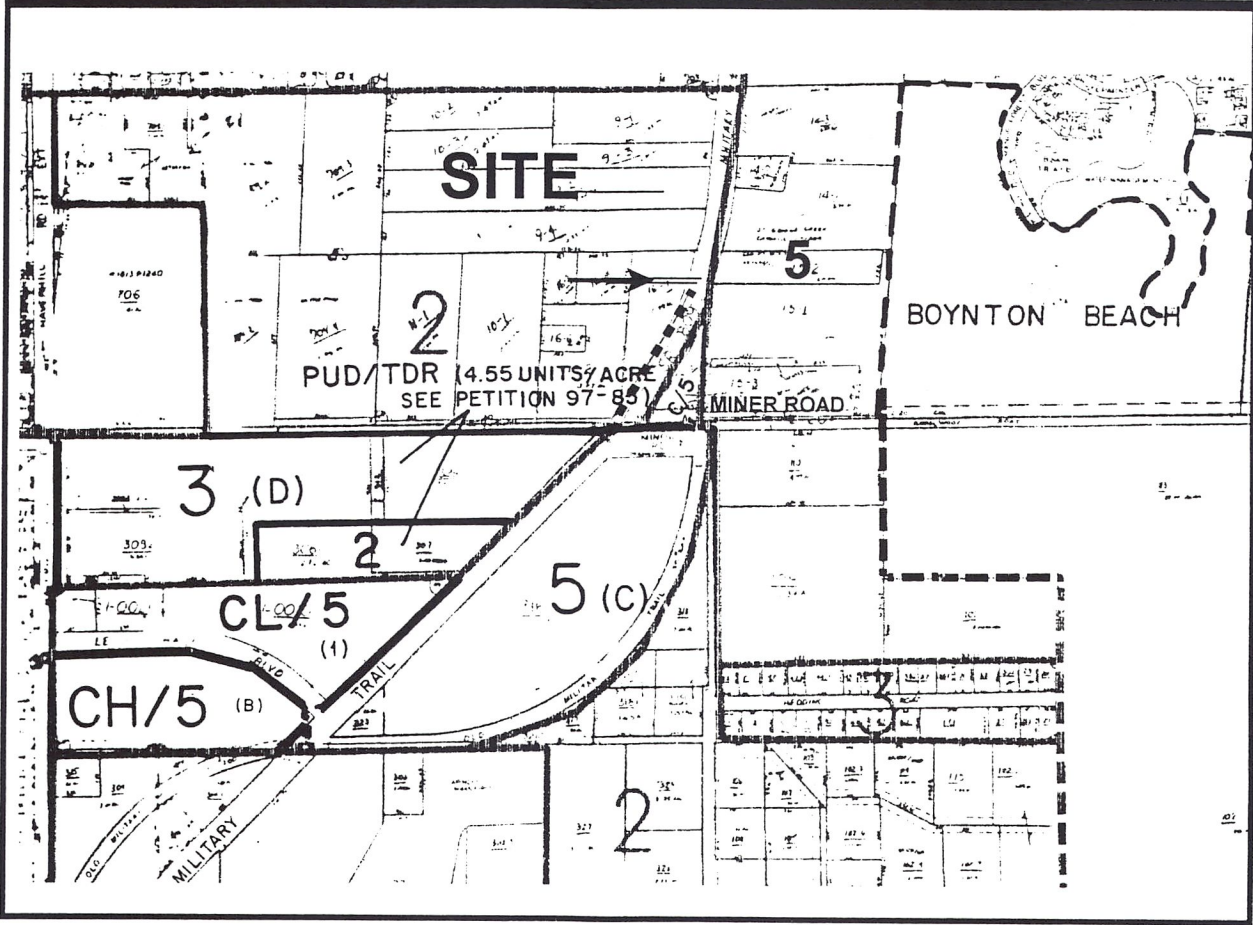
Category Analysis:	A commercial designation change from C to CL is recommended. The subject property is adjacent to land that: (1) Has a maximum density allowance of three (3) units per acre; and/or (2) Is already approved with a CL designation. The proposed CL designation for the subject property is compatible with this density and consistent with the existing CL designation.
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Property No.: See attached



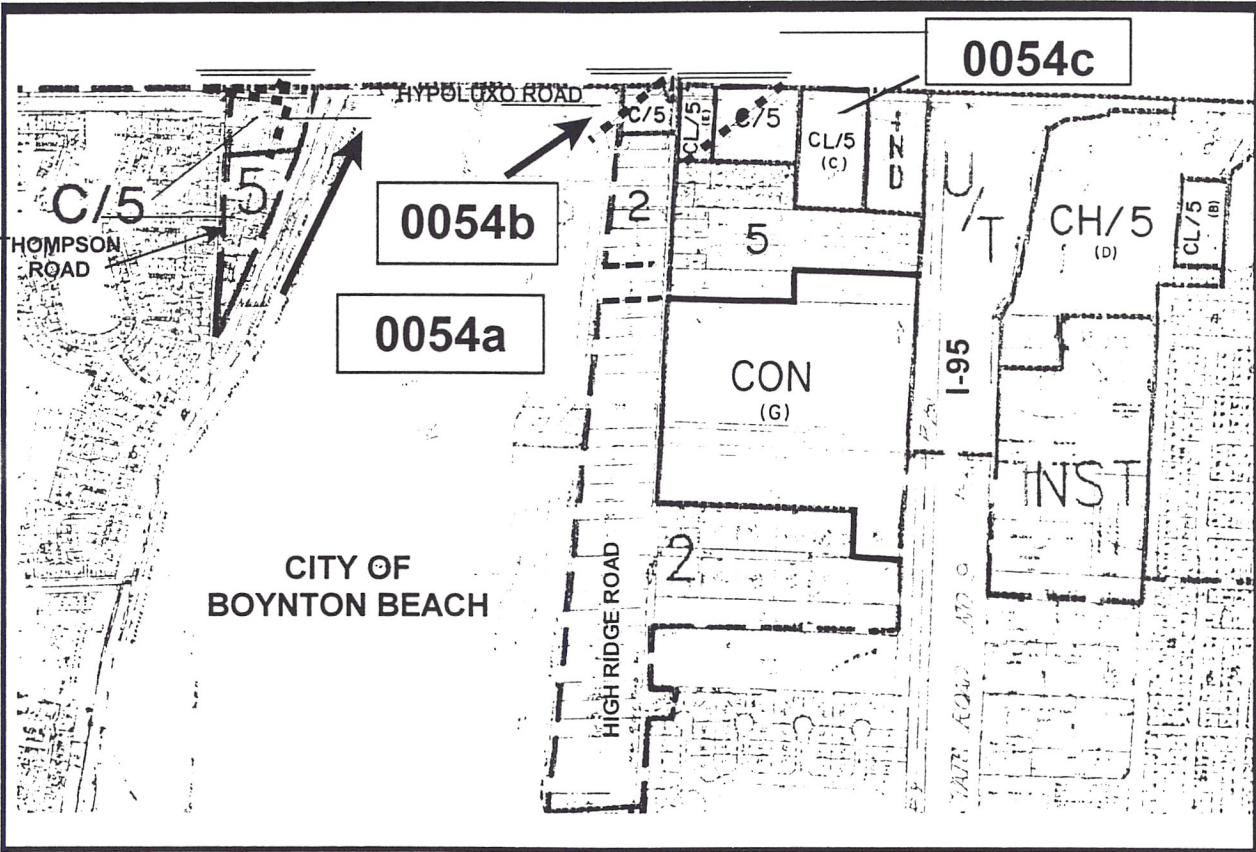
R. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0053 LGA	FLUA Page No:	86
Amendment:	C/5 to CH/5		
Location:	NE corner of Military Trail and Miner Road		
Size:	Approximately 1.29 acres		
Zoning:	CG	Arterial Road?	Yes
Use:	Built Commercial; Retail Plaza; Tile Shop & TV Repair		
Category Analysis:	A commercial designation change from C to CH is recommended. The CG zoning for the subject property existed prior to the Comprehensive Plan's adoption in 1989 and it is commercially developed. The property is also adjacent to an arterial roadway. These factors are consistent with the proposed CH designation for the property.		
Property No.:	See attached		



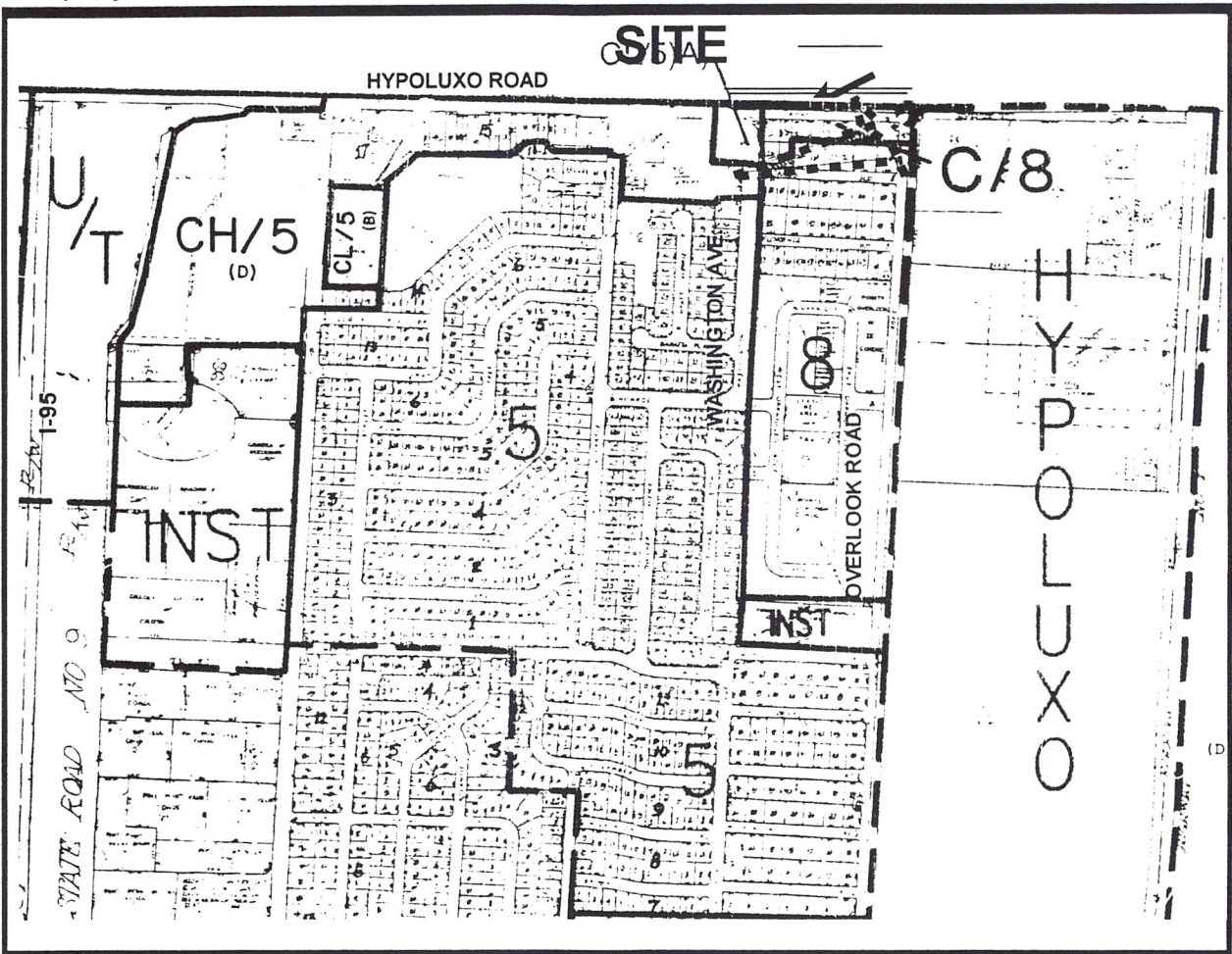
S. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0054 LGA	FLUA Page No:	87
Amendment:	0054a: C/5 to CL/5 0054b: C/5 to CL/5 0054c: C/5 to CL/5		
Location:	0054a: South side of Hypoluxo Rd, or adjacent to Thompson Road 0054b: Southwest corner of Hypoluxo Rd & High Ridge Rd 0054c: South side of Hypoluxo Rd, just east of High Ridge Rd		
Size:	0054a: Approximately 2.5 acres (two properties combined) 0054b: Approximately 1.72 acres 0054c: Approximately 4.65 acres		
Zoning:	0054a: CG, RS 0054b: RS 0054c: RS, CC	Arterial Road?	No
Use:	0054a: Discount Auto Parts/Single Family House 0054b: Vacant 0054c: Vacant/Single Family House and Mango Farm		
Category Analysis:	A commercial designation change from C to CL is recommended for the three sites. The properties involved with each site are: 1) Not adjacent to a classified arterial roadway; and/or 2) Not commercially developed. The properties may be commercially developed/redeveloped under the proposed CL designation.		
Property No.:	See attached		



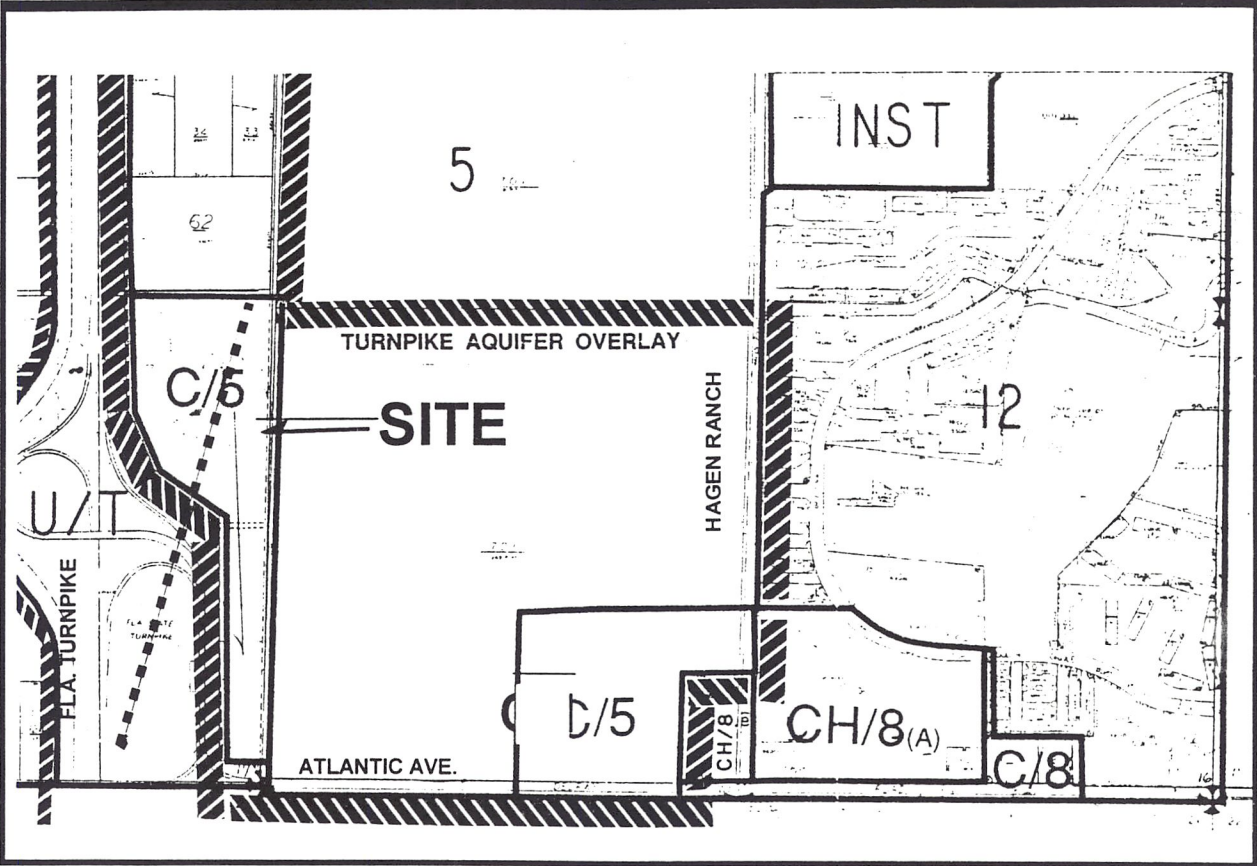
T. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0055 LGA	FLUA Page No:	87
Amendment:	C/8 to CH/8		
Location:	South side of Hypoluxo Rd, between Washington Avenue and Overlook Road		
Size:	Approximately 2.12 acres (combined)		
Zoning:	CG	Arterial Road?	No
Use:	Built Commercial		
Category Analysis:	A commercial designation change from C to CH is recommended. The CG zoning for the subject properties existed prior to the Comprehensive Plan's adoption in 1989 and the properties are commercially developed. These factors are consistent with the proposed CH designation for the properties.		
Property No.:	See attached		



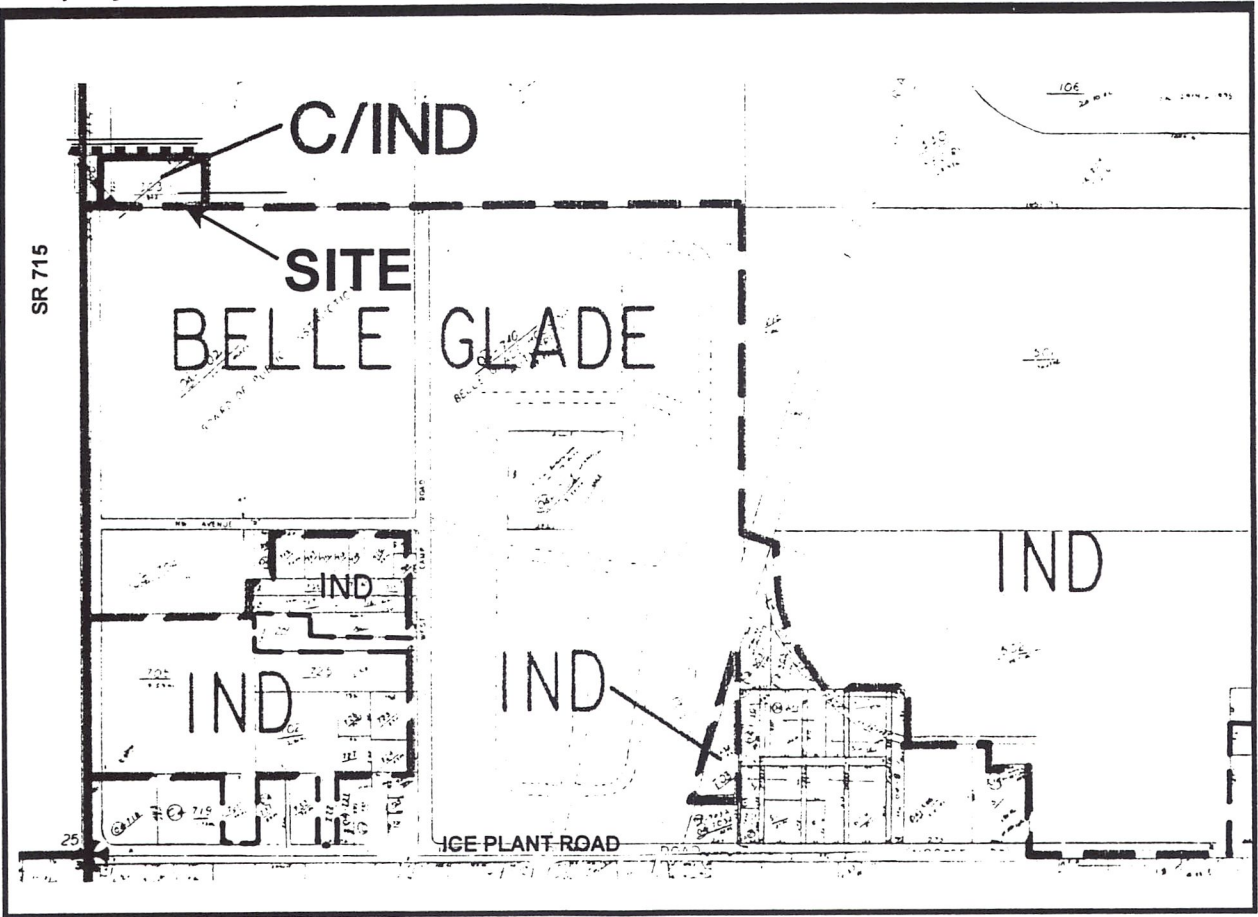
U. Future Land Use Atlas, Commercial Categories

Amendment No.:	2003-0056 LGA	FLUA Page No:	98
Amendment:	C/5 to CH/5		
Location:	North side of Atlantic Avenue and adjacent to the east side of the Florida Turnpike		
Size:	Approximately 28.03 acres		
Zoning:	AR	Arterial Road?	Yes
Use:	Vacant		
Category Analysis:	A commercial designation change from C to CH is recommended. The property is adjacent to two arterial roadways and vacant land that may be developed at a density of 5 dwelling units per acre. These factors are consistent with the proposed CH designation for the property.		
Property No.:	See attached		



V. Future Land Use Atlas, Commercial Categories

Amendment No.: 2003-0057 LGA
FLUA Page No: 134
Amendment: C/IND to CH/IND
Location: North of Ice Plant Road on the east side of SR 715
Size: Approximately 1.84 acres
Zoning: CG Arterial Road? No
Use: Everglades Farm Equipment Company
Category Analysis: A commercial designation change from C to CH is recommended. The property has an underlying alternative designation of Industrial (IND) and its CG zoning and commercial business existed prior to the Comprehensive Plan's adoption in 1989. These factors are consistent with the proposed CH designation for the property.
Property No.: See attached



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on November 24, 2003.
DATED at West Palm Beach, FL on 12/17/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.